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SUPERIOR COURT  
YAVAPAI COUNTY, ARIZONA

2010 SEP -1 PM 1:34

JEANNE HICKS, CLERK

BY: S. KELBAUGH

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

REQUEST FOR *IN CAMERA* REVIEW

Hon. Warren Darrow

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its request for an *in camera* review of officers' personnel records to determine whether the records contain any *Brady* material. Defendant submitted a veritable laundry of documents he claims he needs to determine whether the movement of detectives during the investigation of this case relates to the quality of the investigation; however, much of the requested information is not relevant to the officers' performance and should not be disclosed.

"Information in internal records such as those at issue is not discoverable unless it could lead to admissible evidence or would be admissible itself." *State v. Cano*, 154 Ariz. 447, 448, 743 P.2d 956, 957 (App. 1987) (citation omitted). "[A] trial court generally should conduct an *in camera* inspection in a situation such as this. Our supreme court repeatedly has

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1 stated that 'where the [trial] court's discretion has been properly invoked,' the preferred  
2 practice is for that court 'to make [an] *in camera* inspection[ ] of the relevant documents and  
3 balance the rights of the parties.'" *Bolm v. Custodian of Records of Tucson Police*, 193 Ariz.  
4 35, 40, 969 P.2d 200, 205 (App. 1998) (citation omitted).

5  
6 Therefore, the State respectfully requests that the Court schedule an *in camera* review  
7 to determine which portions of the records, if any, contain *Brady* material.

8  
9 RESPECTFULLY SUBMITTED this 1st day of September, 2010.

10  
11 Sheila Sullivan Polk  
12 YAVAPAI COUNTY ATTORNEY

13  
14 By: 

15 Joseph C. Butner  
16 Deputy County Attorney

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1 COPIES of the foregoing delivered this  
2 1st day of September, 2010 to:

3 Honorable Warren Darrow  
4 Division 6  
5 Yavapai County Superior Court  
6 (via email)

7 John Sears  
8 511 East Gurley St.  
9 Prescott, AZ 86301  
10 Attorney for Defendant  
11 (via email)

12 Larry Hammond  
13 Anne Chapman  
14 Osborn Maledon, P.A.  
15 2929 North Central Ave, 21<sup>st</sup> Floor  
16 Phoenix, AZ  
17 Attorney for Defendant  
18 (via email)

19 By:   
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